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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,321	09/26/2003	Jeyhan Karaoguz	14336US02	8413
23446	7590	08/05/2005	EXAMINER	
MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			BLOUNT, ERIC	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/672,321

Applicant(s)

KARAOGUZ ET AL.

Examiner

Eric M. Blount

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/26/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The Office acknowledges and accepts the changes made to paragraph 2 of the specification.

### ***Applicant's Arguments***

2. Below is a summary of applicant's arguments as presented in amendment filed May 23, 2005.

- a. Regarding independent claims 1 and 15 applicant argues that neither Ficco et al [Pub No. US 2002/0035404 A1], Van Der Muelen [Pub No. US 2003/0061615 A1], nor Lee et al [Pub No. US 2003/0182412] disclose a system supporting access, monitoring, and control of appliances wherein the system does not require the use of scripts.
- b. As for dependent claims 10-12, applicant argues that the rejection of the claims based upon inherency is improper.

### ***Response to Arguments***

3. Applicant's arguments filed May 23, 2005 have been fully considered but they are not persuasive.
  - c. Applicant's argument (a) is moot, as new matter not supported by the specification has been added to independent claims 1 and 15. Applicant has amended independent the claims to include the limitation: "without requiring the

use of a script.” The new matter rejection can be overcome if applicant can provide column and line numbers in the specification where this limitation is disclosed.

d. With regard to argument (b), Examiner stands behind the rejection. Examiner has cited paragraph 40 of the Ficco publication as teaching that a plurality of various home appliances may be networked with the LAN. Using this teaching and the knowledge of networks and networking at the time of the invention by applicant, one of ordinary skill would have recognized that any home appliance capable of being networked could have been networked with the LAN. Further, Ficco discloses that home appliances may include devices such as a microwave oven and air conditioning system as indicated by claims 10 and 11. As for claim 12, any of the other devices mentioned in paragraph 40 would meet the limitations of the claim.

The rejection of the claims as presented in official action mailed February 24, 2005 stands.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an

application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 6, and 10-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Ficco et al [PG Pub No. US 2002/0035404A1].

As for **claim 1**, Ficco discloses a system supporting access, monitoring, and control of appliances. The system comprises a set top box at a first location and at least one home appliance at the first location (paragraph 19). Paragraph 19 teaches that a set top box (STB) is located in a home network and is capable of controlling home appliances. A local area network operationally couples the STB to the at least one home appliance via a wired or wireless connection, to allow access monitoring, and control of the at least one home appliance (paragraphs 40, 93, and 94).

Regarding **claims 2 and 6**, Ficco discloses a system comprising a personal computer at a remote second location, a server at a remote third location, and a wide area network operationally coupling the set top box, the personal computer, and the server via a wireless connection (paragraph 132). Ficco teaches that from a remote computer, a user is capable of accessing information from a network service provider (server) and communicating that information to the STB. The Internet serves as the wide area network for operationally coupling the components.

As for **claims 10 -12**, Ficco shows discloses several home appliances that may be used in the invention (paragraph 40). It is inherent that any device capable of being connected to the network could be monitored and/or controlled.

As for **claim 13**, disclosed is a remote control at the first location, for controlling the operation of the STB (paragraph 48).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-[5] and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco et al as applied to the claims above and further in view of Sagar [PG Pub No. US 2003/0061077 A1].

Regarding **claims 3-5**, Ficco does not specifically disclose a wide area network comprising a broadband access headend. In an analogous art, Sagar discloses that a wide area network may include a broadband access headend and that an Internet infrastructure maybe operationally coupled to the headend (Fig. 2 and paragraphs 19-21). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to combine the broadband access headend taught by Sagar with the remote server and wide area network taught by Ficco because a combination would result in a system, which would operate faster and provide a larger bandwidth. Further, Sagar indicates in paragraph 19 that various forms of data communication would be suitable in this type of system. This reasonably appears to encompass cable and satellite communications.

As for **claims 7-9**, Ficco does not disclose an STB that comprises a broadband communications interface. Sagar discloses the use of broadband communication. It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicants to include a broadband communication interface and software supporting

communication between the interface and at least on peripheral device if the teachings of Ficco and Sagar were combined. Broadband communication is viewed as a design choice and it is obvious that all essential components would be included if this type of communication were used. Ficco discloses that the STB may communicate with a display or television (paragraph 48).

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco et al as applied to the claims above and further in view of Edson [U.S. Patent No. 6526581].

Regarding **claim 14**, Ficco does not disclose a system wherein the local area network comprises an Ethernet infrastructure. In an analogous art, Edson discloses a home network, which comprises a home PNA infrastructure (column 7, line 58 – column 8, line 2). Several communication methods were known in the art at the time of the invention by the applicant. It would have been obvious to one of ordinary skill in the art to use a home PNA infrastructure in the system of Ficco because it could take advantage of the existing telephone lines within a home.

6. Claims 15-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco et al as applied to the claims above, further in view of Van Der Muelen [PG Pub No. US 2003/0061615 A1] and in even further view of Lee et al [PG Pub No. US 2003/0182412].

As for **claims 15 and 25**, it can be seen from the rejections above that Ficco discloses a method for access, monitoring, and control of appliances via a communication network. The method comprises identifying by a first system, at a first

location, at least one home appliance communicatively coupled to the first system (see claim 1 above). A communication link can be established between the first system and the at least one appliance. As written, claim 15 of the present invention does not require that the prior art teach that a home appliance be communicatively coupled to a first and second system. Ficco does not disclose a step of verifying authorization for control of the at least one home appliance by the first system.

In an analogous art, Van Der Meulen discloses that it was known in the art at the time of the invention by the applicant to include a step of verifying authorization for control of appliances (paragraph 16). Though Van Der Meulen does not specifically state that the system must verify the identity of the user, the reference teaches the use of login names and passwords. It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that login names and passwords are used to verify authorization to control devices. One might include this feature in the system to prevent guest, children, or unwanted intruders from controlling devices on the home network. It is obvious that if a user's login and password are correct that control commands would be communicated to the at least one home appliance. Otherwise, commands would not be communicated. Neither Ficco nor Van Der Meulen disclose that the system receives a response from a home appliance if a command is communicated.

In an analogous art, Lee discloses a system wherein home appliances are capable of transmitting status signals to a control device in response to user commands (paragraph 32). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to combine the home networking system of Ficco with the monitoring and security features of Van Der Meulen and Lee because the



combination would result in a home networking system with added security. Only authorized users could control the system and those users would be able to determine the status of the home appliance after commands are sent. This would reduce the amount of duplicate and erroneous commands received by the home appliance.

As for **claims 16-19**, Ficco discloses a system, which comprises a set top box and may include a personal computer. The system also comprises a server operated by a third party service provider (see claim 1 above, paragraph 49).

Regarding **claims 20-22**, Ficco discloses that a home appliance may include several devices including a microwave oven or a heating and cooling unit (Figure 1 and paragraph 40).

As for **claims 23, 24, and 26** Ficco discloses that the communication links may be wired or wireless (paragraphs 86 and 91).

Regarding **claims 27 and 28**, Ficco discloses in paragraph 41 that home appliance commands may include power on, mode adjustment, or parameter change commands. If the home appliance receives a power on command, it is obvious that the home appliance would respond by powering on.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-30 as presented in amendment filed May 23, 2005 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the

Art Unit: 2636

such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Please see Arguments and Response to Arguments above.

### ***Conclusion***

6. It appears that claims 1, 15, 29, and 30 may be allowable if the new matter rejection is overcome.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is (571) 272-2973. The examiner can normally be reached on 8:00 am - 4:00 pm.

Art Unit: 2636

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric M. Blount  
Examiner  
Art Unit 2636

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**BRENT A. SWARTHOUT  
PRIMARY EXAMINER**